

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-22-T - ORDER NO. 2005-52
FEBRUARY 24, 2005

IN RE: Request of Commission Staff for)	ORDER REQUESTING
Investigation by the Office of Regulatory)	AN INVESTIGATION
Staff of K & K Investments, Inc. d/b/a)	
Apartment Movers, Etc. and America's Best)	
Moving System, Post Office Box 1065,)	
Mauldin, South Carolina 29662.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) for discussion of K&K Investments, Inc. d/b/a Apartment Movers, Etc. and America's Best Moving System (K&K). K&K holds a Class E Certificate of Public Convenience and Necessity to transport household goods.

A hearing was held on January 27, 2005, on the Class E household goods application of Loofar Enterprises, LLC d/b/a Apartment Movers, Etc. (Loofar). During that hearing, several questions arose about the franchising practices of K&K with regards to the name "Apartment Movers, Etc.," the dealings of K&K with potential franchisees such as Loofar, the methodology of the leasing of equipment by K&K from potential franchisees, and the relationship of K&K's practices to K&K's operating authority and service and related matters. We hold that these questions warrant this Commission's request for an investigation of K&K by the Office of Regulatory Staff (ORS) pursuant to S.C. Code Ann. Section 58-4-50(A)(6)(Supp. 2004). This section reads: (A) "It is the duty and responsibility of the regulatory staff to:.....(6) upon request by the

commission, make studies and recommendations to the commission with respect to standards, regulations, practices, or service of any public utility pursuant to the provisions of this title.” It should be noted that the term “public utility” includes a motor vehicle carrier as defined in Section 58-23-10. *See* S.C. Code Ann. Section 58-4-5(6)(Supp. 2004). Clearly, K&K is a motor vehicle carrier. We believe that an investigation by ORS would help explain the answers to the cited questions, while determining if K&K is operating within the scope of this Commission’s laws and regulations.

FINDINGS AND CONCLUSIONS

1. A hearing on the Class E Application of Loofar Enterprises raised several questions about the franchising practices of K&K as regards the name “Apartment Movers, Etc.,” the dealings of K&K with potential franchisees such as Loofar, and the relationship of those practices to K&K’s operating authority and service and related matters.

2. This Commission should request an investigation of K&K into these and any related matters by the Office of Regulatory Staff, pursuant to S.C. Code Ann. Section 58-4-50(A)(6)(Supp. 2004).

3. ORS should give a status report to the Commission on the results of its investigation and its recommendations, if any, within sixty (60) days of receipt of this Order.

ORDER

IT IS THEREFORE ORDERED THAT:

1. The Commission hereby requests that the Office of Regulatory Staff investigate K&K Investments, Inc d/b/a Apartment Movers, Etc. and America's Best Moving System with regard to the franchising practices of that Company and related matters. Of particular interest for investigation is the relationship between the sale of Apartment Movers, Etc. franchises and the scope of K&K's authority granted by this Commission as a transporter of household goods. Also of interest are the methods by which K&K leases equipment used by non-certificated carriers.

2. The Commission further requests that the Office of Regulatory Staff perform an audit of K&K, including an audit of K&K's books.

3. In addition, the Commission requests that the Office of Regulatory Staff attempt to determine whether or not K&K is in compliance with all Commission Regulations, and whether or not K&K is actually moving household goods under its Class E Certificate of Public Convenience and Necessity.

4. The Office of Regulatory Staff should give a status report to the Commission on the results of its investigation and its recommendations, if any, within sixty (60) days of receiving this Order.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice-Chairman

(SEAL)